

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 33 (Sub-No. 316X)**

**Union Pacific Railroad Company– Abandonment Exemption –  
In Franklin County, Iowa**

**BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a portion of rail line in Franklin County, Iowa. The rail line proposed for abandonment is located on the Bristow Subdivision and extends approximately 0.59 miles from milepost 318.07 to milepost 318.66, near Hampton, IA. According to UP, the line was originally constructed in 1902 by the Mason City & Fort Dodge Railroad and currently contains second hand 85-pound jointed rail that was installed in 1938. If abandonment authority is granted, UP notes that the Hampton area would continue to be rail-served via UP's Mason City Subdivision.

The rail line travels through agricultural land that is generally level to sloping. The right-of-way varies from 68 feet to 100 feet in width and contains rail siding in one location. Based on information in UP's possession, the right-of-way is mostly non-reversionary and does not contain any federally granted land. The proposed abandonment traverses Zip Code 50441. If the notice becomes effective, UP would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

UP submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 316X).

## ***Diversion of Traffic***

UP states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

## ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regarding of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. If the abandonment is approved, UP states that the salvage process would occur as follows:

The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into truck trailers or containers and shipped by UP's contractor to an EPA approved disposal site or to a cogeneration plant.

Culverts and right-of-way grading would remain intact so as not to alter the prevailing water flows along the Line. Ballast would typically be left in place, but may be removed if it is of exceptional quality and suitable for resale. UP's salvage contractors would be required to limit their activities to the width of the right-of-way. All road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by the governing authority, and any railroad signals would also dismantled and removed.

The U.S. Army Corps of Engineers (Corps) commented that the proposed abandonment would not involve the discharge of fill material in waters of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required.

The U.S. Environmental Protection Agency's (USEPA) Region 7 office in Kansas City, Kansas commented that it assessed its Geographic Information System and determined that there are no environmentally regulated facilities or remediation sites within the area of the proposed abandonment. USEPA also commented that, in general, rail line rights-of-way may contain residual amounts of waste from the prior use of fuels, lubricants, wood preservatives, and herbicides that if present, may be released into the environment during salvage operations. OEA

does not believe this would be an issue of concern here because UP has stated that there would be minimal ground disturbance associated with its salvage operations and also indicated that it is not aware of any known hazardous material spills along the right-of-way proposed for abandonment. However, OEA has included USEPA in the service list for this proceeding in the event it believes that additional information is warranted.

The Iowa Department of Natural Resources' (IDNR) Conservation and Recreation Division (CRD) commented that it conducted a search of its database for rare species or significant natural communities that may be present within the area of the proposed abandonment and found no site specific records for such resources. IDNR notes, however, that it would need to be notified if any such resources are encountered during the salvage process to determine further actions, if warranted. IDNR also notes that its comments do not include any permits that may be required from IDNR's Environmental Services Division (ESD) and cautioned that other department approvals may be required for the proposed abandonment. OEA is therefore recommending a condition that would require UP to consult with IDNR's CRD and ESD offices prior to conducting salvage operations to determine what, if any, approvals may be needed prior to the salvage process.

The National Geodetic Survey (NGS) commented that there are no geodetic markers within the right-of-way of the proposed abandonment. OEA has therefore determined that no further consultation with NGS is necessary.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The Board also received correspondence from the Iowa Natural Heritage Foundation and Mrs. Marjorie Foss concerning interests in the rail line right-of-way proposed for abandonment. These comments are described below.

On August 22, 2013, the Iowa Natural Heritage Foundation filed a request for public use and interim trail use, which it described as a "Petition for Reconsideration." The Foundation would like to develop the right-of-way as a recreational trail, pursuant to the National Trails System Act (Trails Act) at 16 U.S.C. § 1247(d). The Foundation indicates that this section of right-of-way would provide a connection to the existing 11.5-mile Rolling Prairie Trail and link into the community of Hampton and its various amenities, and requests that the Board impose a number of conditions on UP that would support turning the rail line proposed for abandonment into a rail-trail. The Board will address the Foundation's requests in a subsequent decision.

Mrs. Foss, an adjacent property owner, submitted a letter to the Board dated September 17, 2013. Mrs. Foss states that she had prior ownership of a portion of the rail line proposed for abandonment and would like to acquire the area of right-of-way with siding. Mrs. Foss believes she would have first rights to the land if abandonment authority is granted, and indicates that she needs this segment of ground to provide level access to her surrounding farm fields. Mrs. Foss currently must access these fields on steep terrain that is difficult to traverse. OEA has

discussed this matter with UP and has been informed that UP will contact Mrs. Foss once its real estate division has completed a title search of prior ownerships along the right-of-way proposed for abandonment. The railroad is ultimately responsible to determine how the property was originally acquired, whether by fee or fee with the possibility of reversion or by easement, and if there are any statutory provisions that relate to the disposition of or title to said right-of-way. Mrs. Foss understands that there is also interest in developing this rail line as a trail and has been informed of the Public and Interim Trail Use process by the Board's Office of Public Assistance, Governmental Affairs, and Compliance.<sup>2</sup>

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to the following agencies for review and comment: the National Park Service; the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service; and the Franklin County Board of Supervisors.

## **HISTORIC REVIEW**

UP submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Iowa State Historical Society (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effects, or APE) of the proposed abandonment. The SHPO also commented that there appears to be little likelihood that the proposed undertaking would encounter or adversely impact archaeological properties that may be eligible for listing in the National Register.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral

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<sup>2</sup> The Board's role under the Trails Act is ministerial. The Board does not conduct an environmental review of a potential conversion to interim rail use and railbanking because a conversion does not exercise sufficient federal control so as to qualify as a "major federal action" under the National Environmental Policy Act. Accordingly, this EA considers only those activities related to the salvage and abandonment of the rail line. It does not consider post-abandonment activities related to the construction of a recreational trail, although such activities may require review or permitting under existing local, state, or federal regulations.

connections to the project area.<sup>3</sup> The database indicated that there are ten federally-recognized tribes with ancestral connections in the area of the proposed abandonment. The tribes are: the Flandreau Santee Sioux Tribe of South Dakota; the Lower Sioux Indian Community in the State of Minnesota; the Prairie Island Indian Community in the State of Minnesota; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Santee Sioux Nation, Nebraska; the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; the Spirit Lake Tribe, North Dakota; and the Upper Sioux Community, Minnesota. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of this EA for review.

## **CONDITION**

We recommend that the following condition be imposed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, Union Pacific Railroad Company (UP) shall consult with the Iowa Department of Natural Resources' (IDNR) Conservation and Recreation Division to ensure that any concerns in the right-of-way are addressed regarding disturbance to any rare species or significant natural communities. UP shall also consult with IDNR's Environmental Services Division to determine the permit requirements, if any, for watershed disturbances, erosion and sedimentation, or wastewater discharges.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

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<sup>3</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited November 8, 2013).

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 316X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: November 15, 2013.

**Comment due date: November 29, 2013.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment